

AUTHORIZING RECORD PRODUCTION

Mr. McCONNELL. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 237, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 237) to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

EXECUTIVE CALENDAR—Continued

MEASURE PLACED ON THE CALENDAR—H.R. 3219

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2018, and for other purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard.

The bill will be placed on the calendar.

Mr. McCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

HEALTHCARE

Mr. SCHUMER. Mr. President, the American people are looking to Congress to turn the page on healthcare and start working on bipartisan improvements to our healthcare system. Stabilizing the individual market is

the first thing we should all focus on. The repeated attempts to repeal and replace the healthcare law, as well as the administration's threat to stop making the cost-sharing payments that help keep premiums down and keep markets stable, have injected massive uncertainty into the system.

Insurers hate nothing more than uncertainty. It drives them to jack up the costs of premiums and to pull out of markets. Already, insurers in three States have issued two separate sets of proposed rates for 2018—one if the administration makes the cost-sharing payments and one if it does not. The set of proposed rates if the payments are not made is 20 percent higher in all three States. I don't know the third, but two of them are North Carolina and Pennsylvania, which are very significant States. In Idaho, the State insurance commissioner said that rates on the most popular plans would be 50 percent higher next year because of "the potential refusal by the Federal Government to fund the cost share reduction mechanism." That comes from the State insurance commissioner. I do not know if that is an elected position, but whether it is elected or appointed, my guess is that he is a Republican. They do not elect too many Democrats out there.

The administration is supposed to announce today or sometime this week its decision on whether to make the next set of payments. The ball is in the President's court. He can make the payments as the law requires and needs or he can sabotage our healthcare system and impose a Trump premium tax of 20 percent higher premiums on the American people next year by not extending the cost-sharing program.

Why would he do this? Why would he raise people's rates? His only stated reason is petty, is childish, is un-Presidential. He will get back at people because his hope to repeal and replace was rejected. You do not hurt innocent people when you lose politically. That is not Presidential. That is not, frankly, what an adult does. The ball is in the President's court, as I said, and let's hope he does the right thing.

President Trump has already made it harder for Americans to afford insurance next year by publicly rooting for our Nation's healthcare system to collapse, injecting a baseline of uncertainty into the system. President Trump would make things a whole lot worse by not making the next set of payments—20 percent higher premiums, more bare counties, even more market instability.

The American people need a President who puts their interests first, not someone who plays political games with their healthcare. The American people can ill afford a Trump premium tax this year, and it is completely avoidable. All the President has to do is to make the payments and carry out the law as he is supposed to. Afterward, Congress should move to guarantee these payments permanently or at least for a significant period of time.

This uncertainty caused by the President's threats has been the most destabilizing factor in the individual market. That is not according to CHUCK SCHUMER or any Democrat; it is according to the insurers' largest trade group, AHIP. The President has proved that he cannot be trusted to faithfully execute the procedures that keep our healthcare system on track.

The only good news here is that there are moves by people on both sides of the aisle in this Senate to take some of this uncertainty off the table by guaranteeing these payments in the future.

My good friends, the chairman of the HELP Committee, the senior Senator from Tennessee, LAMAR ALEXANDER, and the ranking Democratic member, Senator PATTY MURRAY, have an ability to work together on many issues. I know they are meeting almost as we speak—in 5 minutes—to discuss how we can move forward. I spoke to Senator ALEXANDER in the gym, where the Presiding Officer, I want to tell his constituents, was exercising and staying fit, too, and he seemed very eager to try to work together to stabilize the system.

TAX REFORM

Mr. President, on another matter—taxes—it is clear that our economy would benefit from a bipartisan package of changes to our Tax Code that would focus laser-like on increasing wages for working families, improving middle-class job growth, and promoting domestic investment, while modernizing our outdated business and international tax system.

From what we have heard from the White House so far, its plan would not do any of that. We Democrats are open to a bipartisan discussion on those issues, but we also believe that, in an economy in which wealth is seemingly funneled to the already wealthy, it is working Americans who deserve tax relief, not those at the very top. The wealthiest Americans have seen outsized benefits from recent economic gains. Now is not the time to shower millionaires and billionaires with another tax break while working Americans continue to struggle to make ends meet.

Today, 45 Members of the Democratic caucus sent a letter to our Republican friends, writing that we are open to bipartisan discussions on tax reform but that we will not support any effort to rewrite the Tax Code to give another tax break to the top 1 percent or add even more to the deficit and the debt.

Here are our three principles outlined in the letter:

First, no new tax breaks for the top 1 percent.

Second, it must not increase the debt and must be fiscally responsible.

Third, we must use a regular order process that will ensure true bipartisan input in the product, not the reconciliation process that was used in healthcare, which excluded the Democrats from the get-go and, in part, led to the failure of the Republicans to

pass repeal or repeal and replace. Ramming tax cuts through under reconciliation—the very same partisan process that failed for healthcare—is the wrong way to do business for this country.

Again, the Democrats are open to a bipartisan discussion on tax reform, but it has to be truly bipartisan, not under reconciliation, and tax reform cannot be a cover story for delivering tax cuts to the wealthiest or result in a ballooning deficit and debt.

CHINA AND NORTH KOREA

Mr. President, finally, on the matter of China and North Korea, under President Trump, North Korea continues to ramp up its aggression; yet China has not taken any significant steps to bring to an end its threatening and destabilizing behavior.

President Trump has staked his administration's approach to North Korea on China doing more, but right now 90 percent of North Korea's foreign trade is with China, and 95 percent of its foreign direct investment comes from China.

Even as the U.N. Security Council and the U.S. Congress have again sanctioned North Korea, China's trade with this rogue nation has risen more than 30 percent over the past year, according to some reports. Even after the recent ICBM tests—clear violations of international resolutions—China and Russia have worked behind the scenes to water down and weaken additional U.N. Security Council sanctions resolutions.

President Trump has talked about his “wonderful relationship” with President Xi, but this is not the behavior we should expect from a partner that is serious about the crisis on the Korean Peninsula.

The bottom line is simple. China could put pressure on North Korea right now, but they are taking a pass, as they have for over a decade.

President Trump began the year by offering a “better trade deal” to China if they put pressure on North Korea. That clearly hasn't happened. The soft-touch approach has gotten us nowhere, as usual, with China; they only understand strength. China continues to do the bare minimum as North Korea becomes more and more bellicose.

So, today, I am urging President Trump to use his authority over the Committee on Foreign Investment in the United States, known as CFIUS, and instruct the Treasury Department to suspend the approval of mergers and acquisitions of U.S. assets by Chinese companies until China works to bridle its neighbor's aggression.

China and its surrogates must face economic pressure if they are not going to help deter North Korea. This is an important tool in our country's toolbox, and the President ought to use it.

I urge President Trump to take a tougher line and suspend the approval of all mergers and acquisitions in the United States by Chinese companies.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GARDNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH KOREA

Mr. GARDNER. Mr. President, I rise today to speak about North Korea, the most urgent national security challenge for the United States and our allies in East Asia.

Secretary Mattis has said North Korea is “the most urgent and dangerous threat to peace and security.” Admiral Gortney, the previous commander of U.S. Northern Command, stated that the Korean Peninsula is at its most unstable point since 1953, when the armistice was signed.

Last year alone, North Korea conducted two nuclear tests and a staggering 24 ballistic missile launches. This year, Pyongyang already launched 18 missiles, including the two recent tests of intercontinental ballistic missiles that are reportedly capable of reaching the U.S. homeland.

President Trump has said that the United States will not allow this to happen, and I am encouraged by the President's resolve. Patience is not an option with the U.S. homeland in the nuclear shadow of Kim Jong Un. Our North Korea policy of decades of bipartisan failure must turn to one of immediate bipartisan success, with pressure and global cooperation resulting in the peaceful denuclearization of the regime.

As Vice President PENCE stated during his recent visit to South Korea:

Since 1992, the United States and our allies have stood together for a denuclearized Korean Peninsula. We hope to achieve this objective through peaceable means. But all options are on the table.

But time is not on our side. I believe U.S. policy toward North Korea should be straightforward. The United States should deploy every economic, diplomatic, and, if necessary, military tool at our disposal to deter Pyongyang and to protect our allies.

However, the road to peacefully stopping Pyongyang undoubtedly lies through Beijing. China is the only country that holds the diplomatic and economic leverage necessary to put the real squeeze on the North Korean regime.

According to the South Korean state trade agency, China accounts for 90 percent of North Korea's trade, including virtually all of North Korea's exports. From 2000 to 2015, trade volume between China and North Korea has climbed more than tenfold, rising from \$488 million in 2000 to \$5.4 billion in 2015. Beijing is the reason the regime acts so boldly and with relatively few consequences.

China must now move beyond a mere articulation of concern and lay out a transparent path of focused pressure to

denuclearize North Korea. A global power that borders this regime cannot simply throw up its hands and absolve itself of responsibility.

The administration is right to pursue a policy of “maximum pressure” toward North Korea, and we have a robust toolbox already available to ramp up the sanctions track—a track that has hardly been utilized to its fullest extent and a track made even more complete last week with additional sanctions on North Korea.

Last Congress, I led the North Korea Sanctions and Policy Enhancement Act, which passed the Senate by a vote of 96 to 0. This legislation was the first stand-alone legislation in Congress regarding North Korea to impose mandatory sanctions on the regime's proliferation activities, human rights violations, and malicious cyber behavior.

A recent analysis from the Foundation for the Defense of Democracies says:

North Korea sanctions have more than doubled since the North Korea Sanctions and Policy Enhancement Act came into effect on February 18, 2016. Prior to that date, North Korea ranked eighth, behind Ukraine/Russia, Iran, Iraq, the Balkans, Syria, Sudan, and Zimbabwe.

Even with the 130-percent sanctions increase after the North Korea Sanctions and Policy Enhancement Act, North Korea is today still only the fifth most sanctioned country by the United States. North Korea is far from being sanctioned out.

So while Congress has clearly moved from the Obama administration inaction to some action, the Trump administration has the opportunity to use these authorities to build maximum leverage with not only Pyongyang but also with Beijing. I am encouraged by the actions the administration took last month to finally designate a Chinese financial institution, but this should be just the beginning. The administration, with congressional support, should now make clear to any entity doing business with North Korea that they will not be able to do business with the United States or have access to the U.S. financial system.

A report released last month by an independent organization known as C4ADS identified over 5,000 Chinese companies that are doing business with North Korea. These Chinese companies are responsible for \$7 billion in trade with North Korea. Moreover, the C4ADS report found that only 10 of the 5,000-plus companies control 30 percent of Chinese exports to North Korea. So of 30 percent of Chinese exports, 10 companies are responsible for that number in 2016 alone. One of those ten companies alone controlled nearly 10 percent of all imports from North Korea. Some of these companies were even found to have satellite offices in the United States.

According to recent disclosures, from 2009 to 2017, North Korea used Chinese banks to process at least \$2.2 billion in transactions through the U.S. financial

system. This must stop now. The United States should not be afraid of a diplomatic confrontation with Beijing for simply enforcing existing U.S. and international law. In fact, it should be more afraid of Congress if it does not. As for any prospect of engagement, we should continue to let Beijing know in no uncertain terms that the United States will not negotiate with Pyongyang at the expense of U.S. national security and that of our allies.

Instead of working with the United States and the international community to disarm the madman in Pyongyang, Beijing has called on the United States and South Korea to halt our military exercises in exchange for vague promises of North Korea suspending its missile and nuclear activities. That is a bad deal, and the Trump administration was right to reject it.

Moreover, before any talks in any format, the United States and our partners must demand that Pyongyang first meet the denuclearization commitments it had already agreed to in the past and subsequently chose to brazenly violate.

President Trump should continue to impress to President Xi that a denuclearized Korean Peninsula is in both nations' fundamental long-term interests. As Admiral Harry Harris rightfully noted, "we want to bring Kim Jung Un to his senses, not to his knees." But to achieve this goal, Beijing must be made to choose whether it wants to work with the United States as a responsible global leader to stop Pyongyang or bear the consequences of keeping him in power.

Two weeks ago I introduced legislation with a bipartisan group of cosponsors called the North Korean Enablers Accountability Act. This legislation takes the first steps toward imposing a total economic embargo on North Korea, including a ban on any entity that does business with North Korea or its enablers from using the U.S. financial system and imposing U.S. sanctions on all those participating in North Korean labor trafficking abuses.

My legislation specifically singles out those 10 largest Chinese importers of North Korean goods and sends a very clear message: You can either do business with this outlaw regime or do business with the world's largest economy. I urge my colleagues to support this legislation and our continued efforts to stop Pyongyang's further development of nuclear weapons and intercontinental ballistic missiles to bring peace to the peninsula and to denuclearize peacefully the North Korean regime.

In order to put real pressure, this administration must act, and it must act on the regime and its enablers wherever they are based.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). The deputy majority leader is recognized.

WORK BEFORE THE SENATE

Mr. CORNYN. Madam President, it is no secret that last week's vote on re-

pealing and replacing the provisions of ObamaCare proved a disappointment to many of us. I have found, though, in my time here in the Senate that so often we agree on the goal we want to achieve, but we disagree on the means to achieve that goal.

Some people see the private sector and competition and markets as the best place to regulate economic activity. Other people look at the government as the source of actions that do things like provide access to healthcare. The truth is, in our complicated healthcare delivery system, everybody plays a role one way or the other.

We know that government plays an outsized role already, because we have Medicare, Medicaid, veterans health programs, and the like—the Children's Health Insurance Program, which we will have to take up and reauthorize before the end of September. But there does exist a very important private marketplace for health insurance, and, frankly, many times I think the government makes it harder, not easier, for the private marketplace to offer people a variety of products that they actually like, want to buy, and can afford.

But it is evident that there is a lot of passion about this issue, and that is not going to go away. Certainly, what is not going to go away is the need that consumers across this country of ours have for lower premiums, increased access, and a marketplace that actually functions, where people can buy an insurance product they want to buy, and, of course, there is always the issue of quality of care.

Some people think that maybe Medicaid is the ultimate answer. The fact of the matter is that Medicaid plays a very important role as a safety net for low-income Americans, but most of the medical studies that have been done indicate that medical outcomes under Medicaid are no better than those for those people who don't have insurance at all, and the number of people who go to the emergency room includes many people who have Medicaid but have a hard time finding a doctor who will treat them because Medicaid pays doctors at such a low rate that only about one-third of the doctors, especially in my State of Texas, will see a new Medicaid patient. As one of our colleagues has suggested, it is kind of like telling people: Here is a bus ticket. But there is no bus. There is no way to get there. That is hardly what I would call access to quality care.

I know our work is not done. Now I and others turn to our colleagues across the aisle who fought us every step of the way in trying to achieve progress on healthcare reform and ask them what their suggestions are. Democrats need to be constructive rather than continuing to bury their heads in the sand about the fundamental problems with the Affordable Care Act.

My firm belief is that these problems are structural in nature. They are not

something that can be solved simply by throwing more money at the problem, particularly when insurance companies would love to have us do exactly that. That is the way they do business. They are profit-oriented companies. I don't begrudge them that.

It is simply not in our best interest, I believe, to just throw billions of dollars at insurance companies in a bailout without reforming the fundamental structure by which healthcare is delivered. I don't think we can turn to the taxpayers and say that it is their obligation to bail out insurance companies, particularly when they have seen their premiums already triple under ObamaCare.

We can't afford to do what the Senator from Vermont wants to do, which is enact a costly single-payer system, which would literally bankrupt our country.

With every day that passes, ObamaCare keeps getting worse, but we have no choice but to keep working to find new ways forward. That will include discussions and efforts to keep our promise and fix the mess that has been left to us to face.

There is a lot the American people expect of us. With fragile majorities in the Senate, we have seen that we are forced to work together to try to solve these problems. I think, frankly, bipartisan solutions tend to be more durable.

As we move forward to that work and turn to legislative priorities such as breaking the blockade on nominations, tax reform, getting our economy growing again, getting people back to work—because the economy is growing and they get good, well-paying jobs—and doing things such as rebuilding our infrastructure, something we know is important to our economic future, we will continue this week focusing on something that, frankly, we should have done months ago, which is seeing that more of President Trump's nominees are confirmed.

Of course, we know the approach of the Democratic leader from New York has been to obstruct, block, and slow down as many of these nominations as he can. For example, our Senate colleagues on the Democratic side have allowed only 10 percent of President Trump's confirmations to go by a voice vote, which is a customary courtesy when there is no controversy associated with the nomination. President Obama's confirmations went through with 90 percent of them by voice vote because they weren't truly controversial. What we have seen happen this year is to burn the clock and delay and obstruct and foot-drag as much as possible in order to deny the President his own team.

I realize many people were disappointed on that side of the aisle when President Trump was elected. He was elected President of the United States, and he deserves to have his team in place—particularly when they are not controversial nominees—rather

than to deny him the opportunities to staff up and do the job the American people elected him to do.

This obstruction is felt particularly acutely at the Department of Defense. You would think that if there is one thing that is bipartisan or nonpartisan, it would be our national security. In fact, only seven of President Trump's nominations for the Pentagon have been confirmed. Two of the remaining nominees waiting for confirmation have been waiting for 2 months after they have been unanimously approved by the Armed Services Committee—2 months of delay for no purpose whatsoever with noncontroversial nominees.

The minority leader is blocking these nominees, but his ranking member on the Senate Armed Services Committee, along with all other Democrats on the Armed Services Committee, unanimously voted to approve the nominees and vote them out of committee.

It should not take 2 months to fill these critical national security roles, especially for nominees who aren't controversial. Each day that our Democratic colleagues delay the process, they are hindering our readiness and putting American lives at risk.

This comes at a time when we are engaged in fights around the globe, at a time the vast array of threats around the globe are more diverse and, frankly, more dangerous than they have been in a long, long time. All we need to do is to look at what is happening in North Korea.

It is especially disgraceful for those men and women who put their lives in harm's way, who wake up every day and risk their lives to defend the country, and who proudly wear the uniform of the U.S. military. This is an offense against them. It is insulting. They deserve better than this from our Senate Democratic colleagues.

I hope the Senator from New York, the Democratic leader, will stick to what he said last week and drop the needless blockade against the President's nominees. The President won the election and is expected to appoint a Cabinet of qualified individuals to guide our country and carry out his policies. Whether you voted for President Trump or against President Trump, he did win the election, and we should move forward with a fully staffed executive branch.

Americans also deserve to keep more of their hard-earned paychecks in their pockets. We know that businesses, particularly small businesses that are the primary engine of job creation in the country, have been subjected to a tax code that is enormously complicated, confusing, and that discourages economic growth.

Why in the world would we want to do that to ourselves? Why would we want to tolerate a tax code that is so complicated, that is anti-growth, and that discourages job creation? We shouldn't.

With this new administration, we are committed to overhauling our outdated

Tax Code to make it simpler and fairer, one that will encourage businesses to create jobs and bring profits back to our shore. Members of both Chambers—the House and Senate—have been hard at work on a solution that will provide that sort of relief and protect jobs and put Americans first, not government.

I look forward to the debate and the fight for historic tax reform in the coming months. I want to particularly commend my friend and colleague in the House of Representatives, a fellow Texan, KEVIN BRADY, chairman of the House Ways and Means Committee, for his great work in that body, together with our chairman in the Senate, Senator HATCH, chairman of the Senate Finance Committee. That is the committee of jurisdiction where we are going to have hearings and a markup this fall.

Finally, I wish to address another area where Congress ought to be able to work together on a bipartisan basis, and that is strengthening our Nation's infrastructure. It is absolutely imperative we build on the success of the FAST Act, the first multiyear surface transportation bill signed into law in more than a decade.

While this piece of legislation was critical to providing States and communities with the certainty they need, we must continue to invest in our Nation's bridges, roadways, ports, and other critical infrastructure.

I look forward to working with the administration and our colleagues in the Senate and in the House on legislation that will strengthen our Nation's infrastructure and do so in a fiscally responsible manner.

Finally, I hope to pass the bipartisan legislation that I have introduced to combat domestic human trafficking with my Democratic colleague, the Senator from Minnesota, this week. This has long been a priority of mine. The Abolish Human Trafficking Act is focused on getting victims of this heinous crime the help they need to rebuild their lives. In fact, as you talk to faith-based organizations and other people who are trying to help the victims of human trafficking, many times they will tell you the single thing these victims need the most is simply a safe place to live and heal and recover. That is what the Abolish Human Trafficking Act is focused on.

This bill reauthorizes the Justice Department's Domestic Trafficking Victims' Fund, which was established in the Justice for Victims of Trafficking Act, a bill that I authored and that was signed into law last Congress.

The Domestic Trafficking Victims' Fund provides critical resources to connect victims with the services they need so they can recover and begin to heal. Part of that fund is financed through fines collected on the convicted traffickers themselves. It is a clear way we can use these fines for good. Last year, the fund provided about \$5 million in victim services. By reauthorizing it, we can continue to serve even more people, more victims.

This bill also empowers victims by permanently reauthorizing the Advisory Council on Human Trafficking, survivors who annually advise the government on ways to combat this crime and lend a hand to victims. While this bill certainly focuses on human trafficking victims, we recognize that these victims may not have survived this form of modern-day slavery without the dedication of law enforcement officials fighting for these survivors every day. That is why our legislation also supports local and State law enforcement agencies, so they are able to carry out not only the ability to track down the perpetrators and convict them but also to receive additional training to help equip them on how best to serve the victims.

Ending this terrible crime is a cause every Member in this Chamber should be able to get behind. I look forward to passing the Abolish Human Trafficking Act with bipartisan support, hopefully, later this week.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, President Trump has been in office for just a little over 6 months. We had an election. The American people said they preferred the Republican vision for the direction this country should go, but it just seems today the Democrats in the Senate think the inauguration never happened.

For more than 6 months, Democrats have engaged in a historic effort to obstruct the work of the Trump administration and the U.S. Government. Normally, on inauguration day, the President gets a substantial number of people confirmed to his Cabinet. The idea is to let the President get his team in place so then they can go about hitting the ground running.

President Obama had six of his Cabinet Secretaries confirmed on Inauguration Day in 2009. All of them were confirmed by voice vote. They didn't even have to do a rollcall. People agreed, in a bipartisan way, to let the President have his nominees. Republicans in the Senate did nothing to try to block any of those Cabinet Secretaries for President Obama. We understood it is best to give the new President a chance and for all of us to work together when we can. President George Bush had seven people nominated and confirmed on his first day in office. That is the way it usually worked but not anymore.

Now, Democrats aren't interested in giving a Republican President a chance. They weren't interested in working together. Last January, President Trump only had two people confirmed to his Cabinet on inauguration

day. There were two people ready to get to work on the day he took office, the Secretary of Defense and the Secretary of Homeland Security. These were the only two jobs the Democrats let the President fill. By the end of January in 2009, President Obama had 10 of his Cabinet Secretaries in place. His Cabinet was almost entirely set by the end of the month that he took office, January 2009, but because of ongoing obstruction by Democrats in the Senate, President Trump still only had three Cabinet Secretaries in their jobs by the end of January. That is an incredible level of obstruction when you compare it to what has happened historically.

It didn't stop with members of the Cabinet, and it didn't just end in January. Democrats have continued to make the Senate jump through procedural hoops. In President Obama's first 6 months of office, 206 people were confirmed to serve in his administration. In President Trump's first 6 months, Democrats continued to block the way, allowing us to approve only 55 nominees for those first 6 months. So President Obama had nearly four confirmations for every one of President Trump's over the same period of time. The difference is stark and the reason is simple: Democrats have been putting up roadblocks, one after another, on even the most noncontroversial of nominees. It is not how things worked in the past in previous administrations. Many of these nominees for important jobs would get approved by what we call in the Senate unanimous consent or by a voice vote.

Republicans have been willing to let a lot of Democrats take their jobs without wasting time on rollcall votes and running out the clock. In President Obama's first 6 months in office, Republicans allowed 182 of his nominees to be confirmed by unanimous consent or voice vote. That is almost 90 percent of the jobs filled in those first 6 months by unanimous consent—general agreement—but in the same time, the Democrats only allowed five of President Trump's nominees to get through without a rollcall vote. That is the level of Democratic obstructionism.

They have been blocking judges, Cabinet Secretaries, and other high-ranking officials. Many of these nominees even had Democratic support. It is interesting. Democrats have supported many of these so they weren't controversial at all. Democrats in the Senate forced us to file cloture 34 times on people nominated to fill important jobs in the U.S. Government. We had to force the Democrats to act.

In President Obama's first 6 months, there were only eight cloture votes. There is no way Democrats can argue that they had principled objections to these 34 nominees where we had to file cloture on their nominations. The only explanation is that they did not want the President to have his team in place. When you take a look at these 34 people whom we had to go ahead and

file cloture on, half of them ended up getting 60 or more votes for their confirmation so they had support by Democrats as well as the Republicans. There was no reason—no need to slow them down other than obstruction of the President. One nominee whom we had to file cloture on and go all the way through the process even received a unanimous confirmation vote—a rollcall vote in the U.S. Senate—100 to 0. Yet the Democratic leader made us file a motion to proceed and get a cloture vote on this individual whom then they approved 100 to 0.

Why the need to go through this? Democrats blocked him as long as they could. Yet not a single Democrat then stood to vote against him when his name was called for a rollcall vote. So why are Democrats blocking votes on people whom they then intend to support and do support with their votes? They are just trying to slow things down. The Democratic leader actually admitted that was his plan during the debate over confirming the No. 2 person at the Pentagon. It is someone whom the Senate actually confirmed with 92 votes in his favor. Yet they slowed him down. Then he received 92 votes.

Republicans wanted to speed up the process a little. Senator SCHUMER objected. Did he have a problem with the nominee's qualifications? No. The Democratic leader said on the floor: "We would be happy to consider the nominee in regular order, and maybe once things change a little bit in healthcare, we can."

It had nothing to do with the person who was nominated, nothing to do with anything, according to Senator SCHUMER, other than the fact that we were discussing healthcare in this country. It had nothing to do with the importance of the position that was going to be filled in the Pentagon. It was all because Democrats were trying to stall the debate over healthcare reform. There are the numbers: nominees confirmed in the first 6 months for Obama, 206; President Trump, 25.

Republicans are trying to keep the Federal Government functioning by filling these jobs that had been empty. Healthcare is a very separate thing. Both of these are important. The only thing they have in common is the Democrats have been playing politics with both of them. It is not normal. It is not acceptable. The Democrats' blockade against President Trump's nominees has caused what I believe has been a dangerous backlog. We still have 84 people who have been nominated by the President for positions in the government who have cleared the committees and are now just waiting for a vote on the Senate floor—slowed down by Democratic obstruction.

Democrats are trying their best to drag this out, it seems to me, as long as they possibly can. The Senate rules say that means up to 30 hours of debate once we vote to move forward on a nomination. Maybe that is too long.

Senator RON JOHNSON wrote an op-ed in the Washington Post over the weekend with the headline: "Let's break this Senate logjam." He suggests we cut the time back from 30 hours of debate to 2 hours of debate. That would certainly speed things up, and maybe that is the step we are going to have to take if this level of obstruction continues.

Whatever we do, we cannot allow this logjam to continue. These are important jobs—important positions. The American people deserve to have someone doing their work.

Last Friday, after the healthcare vote, Senator SCHUMER called for us to work together. He said: "There are things we can do rather quickly, including moving a whole lot of nominations." I am going to hold the Democratic leader to his word on this. Let him show that he meant what he said. We should be able to clear the decks of these 84 nominees who have come through the Senate committee, who have been approved by the committee and are waiting here to be confirmed. We should do it by unanimous consent. If Democrats object to one or two of them, let's have a rollcall vote so we can get it on the record. It is time to stop this mindless obstruction that serves no purpose except to delay.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. BARRASSO assumed the Chair.)

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRUZ). Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I rise today in support of Kevin Newsom, formerly Alabama's solicitor general and currently the President's nominee for the U.S. Court of Appeals for the Eleventh Circuit.

He is someone whom the Presiding Officer knows well, having himself been the solicitor general for the State of Texas before he became a U.S. Senator.

I believe Kevin Newsom to be an exceptional choice for this high honor. I have the utmost regard for his intellect and integrity.

Kevin grew up in Birmingham, AL. He graduated first in his class from Samford University in Birmingham and went on to graduate with highest honors from Harvard Law School, as the Presiding Officer did.

One month prior to Harvard Law School, Kevin married his wife Deborah. They went on to have two sons, Chapman and Marshall James, who are now 12 and 14 years old respectively.

Kevin is no stranger to the courtroom. He began his legal career as a law clerk on the Ninth Circuit Court of Appeals for Judge O'Scannlain, as well as U.S. Supreme Court Justice David

Souter. He has argued four cases before the U.S. Supreme Court.

In 2011 and again in 2014, Kevin was appointed to the Advisory Committee on Appellate Rules by Chief Justice John Roberts. This is a signal honor, as the Presiding Officer knows. He is one of only 3 private practitioners on the 10-person committee.

Currently, Kevin serves as the chairman of his firm's appellate group and has been recognized by several national publications and organizations for his leadership in the legal field.

As the former solicitor general of Alabama, Kevin has proved to be an exceptionally skilled attorney. He understands and respects the law, and I believe he will be an asset to our Nation's judicial system as a Federal judge on the Eleventh Circuit. Moreover, the American Bar Association unanimously gave Kevin a "well qualified" rating to serve on the Eleventh Circuit—the highest possible recommendation they are able to give.

I am confident that Kevin Newsom will serve honorably and apply the law with impartiality and fairness, which I believe is required of all judges. I believe that President Trump has made the right decision in selecting Kevin Newsom to sit on the Eleventh Circuit. I am hopeful that later today my colleagues on both sides of the aisle will vote to confirm Kevin Newsom without any reservations.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETURN OF PAPERS—H.J. RES. 76

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the papers with respect to H.J. Res. 76 be returned to the House of Representatives at their request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 2:15 p.m. today, the Senate proceed to the consideration of Calendar No. 178, the nomination of Christopher Wray to be Director of the FBI. I further ask that there be 4 hours of debate on the nomination, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on confirmation of the nomination with no intervening action or debate; that if confirmed, the President be immediately notified of the Senate's action. I further ask that following disposition of the Wray nomination, all postcloture time on the Newsom nomination be considered expired.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Christopher A. Wray, of Georgia, to be Director of the Federal Bureau of Investigation for a term of ten years.

The PRESIDING OFFICER. There will now be 4 hours of debate equally divided in the usual form.

The President pro tempore, the Senator from Utah, is recognized.

INTERNATIONAL COMMUNICATIONS PRIVACY ACT

Mr. HATCH. Mr. President, I represent a generation of lawmakers brought up on the principles of bipartisanship and compromise, and I believe these very virtues are the key to my success as a legislator. By putting these principles in practice as chairman of the Finance Committee, I was able to pass more than 40 bills into law during the last Congress, and by working with my friends across the aisle over many decades of public service, I have been able to pass more legislation than anyone alive today.

I draw from these personal experiences to illustrate a simple point: In an era of endless gridlock and increasing polarization, there is no alternative to civility and healthy debate. We would do well to remember this in light of the frustrations we have all felt over the past several months.

The Senate is capable of so much more than it is today. I know because I have seen the Senate at its best, and I have seen the Senate when regular order was the norm, when legislation was debated in committee, and when Members worked constructively with one another for the good of the country. I have seen the Senate when it truly lived up to its reputation as the world's greatest deliberative body.

I believe we can again see this body at its best, but restoring the Senate to its proper function requires real change on all sides. It begins by recognizing that all of us here, Democrats and Republicans alike, are to some extent culpable for the current dysfunction. If we want to break free of the current gridlock and if we want to show the American people we are serious about legislating, then we have to be honest with ourselves, and we have to recognize that laying all the blame on the other side is as counterproductive as it is disingenuous.

Most importantly, we must be willing to work in good faith with Members of the opposite party. All too often, we miss the opportunity to effect meaningful change by hiding behind partisan differences. We must take the opposite course by renewing our efforts to reach across the aisle to overcome division and forge consensus. There is no better template for effective, bipartisan legislating.

This is the model I have followed for decades for the betterment of Utah and the Nation, and it is the model I have followed most recently in working with my dear friend Senator COONS to introduce the International Communications Privacy Act, or what we affectionately refer to as ICPA.

ICPA is more than just a common-sense proposal that updates law enforcement for the modern age; it is a symbol of what our two parties can accomplish when we lay aside petty differences and come together for the good of our Nation. In crafting this proposal, Senator COONS and I took great pains to strengthen international data privacy protections while also enhancing law enforcement's ability to access data across borders.

This issue has long been a priority of mine. I have spoken about it at length both here on the Senate floor and in other venues and have introduced legislation on the subject over multiple Congresses. Most recently, I came to the Senate floor to explain how the rise of cloud and remote network computing has transformed the way we store data and to describe the implications of that transformation for our data privacy laws.

Until relatively recently, most electronic data was housed in personal computers or on servers located in offices or homes. This meant that in order to access data, a person could simply go to the relevant location and retrieve it. That is no longer the case. Nowadays, much of our data is stored not on home or office computers but in the cloud—a network of remote servers spread throughout the world that allows us to access data from literally anywhere. Data pertaining to a single individual or even to a single document may be stored at multiple sites spread across countries or even continents.

This has profound implications for data privacy. To begin with, our privacy laws require government officials to obtain a warrant before they can access many types of electronic communications. Warrants, however, traditionally have stopped at the warrant's edge. This means that if a law enforcement agent is investigating a crime here in the United States but a key piece of information is stored on a remote server outside the United States, the agent may have significant difficulty obtaining the information. Without a warrant or the ability to get a warrant, the agent may have to use diplomatic channels to obtain the information—a process that can be extremely slow and cumbersome.